

BILL ANALYSIS

C.S.H.B. 748
By: Raymond
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

On September 30, 2011, President Obama signed into law the Child and Family Services Improvement and Innovation Act. Among other changes, this act extended through fiscal year 2014 the authority of the secretary of the U.S. Department of Health and Human Services to approve certain child welfare demonstration projects to test innovative strategies in child welfare programs.

Currently, Texas receives Title IV-E funding, which assists the state in providing foster care and adoption services. Interested parties assert that, without a proper waiver, Title IV-E funding cannot be used for prevention services or for services after a family has reunified in order to ensure that the reunification is safe and permanent. These parties contend that obtaining a waiver would allow flexibility in using Title IV-E funding for innovative services to safely prevent children from entering foster care; help ensure a safe, permanent reunification with their families; and find timely, safe, permanent homes for those children who cannot be safely reunited with their families. C.S.H.B. 748 seeks to address the limitation on the current use of Title IV-E funding by directing the state to seek the appropriate Title IV-E waiver.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 748 amends the Human Resources Code to add a temporary provision, set to expire December 31, 2015, requiring the Department of Family and Protective Services (DFPS) to apply for and actively pursue a waiver, as authorized by the federal Child and Family Services Improvement and Innovation Act, to allow DFPS to use federal funds available under certain provisions of the federal Social Security Act to conduct demonstration projects to accomplish one or more of the following goals:

- providing more permanency for children by reducing time in foster care and promoting successful transitions to adulthood for former foster youth;
- increasing positive outcomes for infants, children, and families in their homes and communities and increasing the safety and well-being of infants, children, and youth; and
- preventing child abuse and neglect and the reentry of children into foster care.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

83R 15475

13.72.381

Substitute Document Number: 83R 14242

While C.S.H.B. 748 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0881 to read as follows:

Sec. 531.0881. WAIVER TO USE FUNDS TO TEST INNOVATIONS TO CHILD WELFARE PROGRAMS. (a) The **commission** shall apply for and actively pursue a waiver, as authorized by the Child and Family Services Improvement and Innovation Act (Pub. L. No. 112-34), to allow the **commission** to use federal funds available under Title IV-E, Social Security Act (42 U.S.C. Section 670 et seq.), to conduct demonstration projects to accomplish one or more of the following goals:

(1) providing more permanency for children by reducing time in foster care and promoting successful transitions to adulthood for former foster youth;

(2) increasing positive outcomes for infants, children, and families in their homes and communities and increasing the safety and well-being of infants, children, and youth; and

(3) preventing child abuse and neglect and the reentry of children into foster care.

(b) This section expires December 31, 2015.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.074 to read as follows:

Sec. 40.074. WAIVER TO USE FUNDS TO TEST INNOVATIONS TO CHILD WELFARE PROGRAMS. (a) The **department** shall apply for and actively pursue a waiver, as authorized by the Child and Family Services Improvement and Innovation Act (Pub. L. No. 112-34), to allow the **department** to use federal funds available under Title IV-E, Social Security Act (42 U.S.C. Section 670 et seq.), to conduct demonstration projects to accomplish one or more of the following goals:

(1) providing more permanency for children by reducing time in foster care and promoting successful transitions to adulthood for former foster youth;

(2) increasing positive outcomes for infants, children, and families in their homes and communities and increasing the safety and well-being of infants, children, and youth; and

(3) preventing child abuse and neglect and the reentry of children into foster care.

(b) This section expires December 31, 2015.

SECTION 2. Same as introduced version.